

Local Government Economic Development Fund Grants and HB 269, 267 and 380 Line-Items Program Guidelines

Governor’s Office for Local Development

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DISCLAIMER

The Local Government Economic Development Fund (LGEDF) program guidelines have been assembled from the statutory requirements found in Kentucky Revised Statute (KRS) 42.4582-42.460, the programmatic policies and procedures established by the Governor's Office for Local Development (GOLD), previous guidelines developed by the Kentucky Community Development Office and Cabinet for Economic Development, as well as various Executive Orders. Under authority granted by statute, Executive Order, 2006 General Assembly SB 69 and HB 380, these policies and procedures are subject to interpretation by and may be amended by GOLD at GOLD's discretion. Any project specific requirements will not be contrary to the statutory requirements of, and the Executive Orders pertaining to, the Local Government Economic Development Program (LGEDP).

Local Government Economic Development Fund (LGEDF) and Line-Item Grants Fact Sheet

LGEDF Grant Facts

- 1) Only an eligible coal producing county fiscal court may apply for an LGEDF grant.
- 2) Municipal governments and non-governmental agencies seeking access to single-county coal severance monies must do so by coordinating with their respective fiscal courts and apply under the grant process.
- 3) The fiscal court must pass a resolution for every application in open session of the fiscal court prior to submission.
- 4) Quarterly allocations are made by GOLD to each of the eligible single county coal severance accounts.
- 5) In the event that a county submits to GOLD multiple applications requesting funds in excess of the available balance, it will be the county's responsibility to prioritize the projects to be considered for funding that is available.
- 6) Grant applications will be accepted on an open enrollment basis. No applications may be processed prior to July 1, 2006.
- 7) Pursuant to KRS 42.4588(7), GOLD Commissioner will neither execute a memorandum of agreement awarding a grant nor submit same to the Finance and Administration Cabinet and the Government Contract Review Committee for final approval unless and until there exist sufficient funds in the appropriate county account to fully cover the entire cost of the applied-for project.
- 8) All grants awarded are subject to the LGEDF program guidelines.
- 9) The following categories are eligible for award:
 - a) economic development and industrial development;
 - b) public health and safety
 - c) public infrastructure
 - d) information technology development and access
 - e) public water and wastewater development
- 10) The following items are NOT eligible for award:
 - a) recurring investments/expenses or working capital (any operating, utility bills, salaries etc.);
 - b) projects that present unfair competition for established Kentucky firms;
 - c) projects that underwrite general governmental activities including the refinancing of existing debt incurred for government activities;
 - d) LGEDF project administration; and/or
 - e) activities or uses that do not comply with the "public use" of state funds provisions.

Line-Item Facts

- 1) The following line-items will be administered by GOLD:
 - a) Reauthorized HB 269 and 267 Line-Items
 - b) HB 380 Community Development Projects
 - c) HB 380 General Government Line-Items
 - d) HB 380 Coal and Non-Coal Producing Infrastructure Projects Line-Itemed for Non-Infrastructure Projects
- 2) Award of authorized line-item is contingent upon the recipient submitting the following information:
 - a) Detailed scope of work;
 - b) A budget detailing the use of funds; and
 - c) Resolution signed by the recipient.
- 3) All reauthorized HB 269 and HB 267 line-items exist and will continue for their authorized life.

Local Government Economic Development Fund Grants and HB 269, 267 and 380 Line-Items Program Guidelines

Guidelines Relating to Local Government Economic Development Program (LGEDP)

I. OVERVIEW OF THE LOCAL GOVERNMENT ECONOMIC DEVELOPMENT PROGRAM

A. Purpose of the Program

KRS 42.4588 establishes the Local Government Economic Development Program (LGEDP) to provide grants of coal severance and processing tax revenues to coal-producing counties. Grants are made from this program, commonly referred to as the Local Government Economic Development Fund (LGEDF), to assist eligible counties in diversifying their local economies beyond coal production.

Created in 1992, the program provides LGEDF grants to help make communities attractive to new manufacturing and service industries, as well as to help eligible existing businesses expand. Traditionally, emphasis has been placed on identifying and implementing economic development and/or industrial development projects that will produce the most and best jobs for the least expenditure of funds.

B. Allocation of Coal Severance Tax Receipts Paid into the LGEDF

The LGEDF serves as the repository for a portion of coal severance and processing tax receipts transferred from the general fund. These taxes are collected and added to the LGEDF on a quarterly basis. The state budget enacted in the 2006 Regular Legislative Session for the 2006-2008 biennium provides that 35% of total coal severance and processing tax receipts will be allocated to the LGEDF. An additional 15% is transferred to the Local Government Economic Assistance Fund (LGEAF), a separate and distinct tax-sharing program for cities and counties administered by GOLD.

The state budget authorized that certain coal severance tax receipts be set-aside for specific projects in fiscal years 2007 and 2008. Funds for these special projects are made available from coal severance tax receipts prior to the authorized allocation of funds to the LGEDF.

II. ALLOCATION OF FUNDS TO COAL-PRODUCING COUNTIES

A. County Accounts

Coal severance tax receipts, which are transferred into the LGEDF, are allocated quarterly among participating counties according to a formula specified by KRS 42.4592. Currently, 39 counties participate in the LGEDF program. The allocation formula provides that one-third of funds be reserved for projects benefiting two or more counties. These funds are known as "multi-county" funds and reside in a "multi-county" account. Another one-third of funds are allocated among 39 participating counties on the basis of severance taxes paid in by a county relative to the total severance taxes paid in by all participating counties. The final one-third of funds is allocated among participating counties on the basis of three criteria, weighted equally, as described below:

- the respective county's employment in mining as a percentage of its total employment;
- the respective county's earnings from mining as a percentage of its total earnings; and
- the respective county's surplus labor rate (a concept similar to unemployment) as published by the Kentucky Department for Employment Services.

LGEDF funds allocated to counties reside in individual state maintained accounts known as "single-county" accounts, one for each participating county. Funds may accumulate without penalty, and without lapsing, until such time as projects are approved for expenditure by the commissioner of GOLD.

III. GUIDELINES RELATING TO LGEDF GRANT AWARDS

A. Eligible Grantees

Funds are allocated through the LGEDP to any coal-producing county accounts or multi-county accounts having generated coal severance and processing taxes in the current year or each of the four previous years. These counties will receive periodic allocations of program funds to accounts in their name.

KRS 42.4588(5) provides for the award of LGEDF grants for projects located in non-coal-producing counties under certain circumstances. Applications must be submitted by one or more counties with accounts in the LGEDF program and there must be a reasonable expectation of job creation for residents of those counties.

B. Grant Awards

1. Categories of Grants

a) Single County Development Projects: Projects located in and of primary benefit to individual counties and using only funds from a county's individual account.

b) Joint County Development Projects: Projects of benefit for two or more coal-producing counties which use funds from the individual accounts of the participating counties.

c) Regional Industrial Park or Regional Business Park Projects (NOTE: This does not relate to the HB 380 "Regional Industrial Parks Line-Item."): Projects of economic benefit to three or more counties, at least two of which are coal-producing counties. Regional industrial park projects are, in general, funded from the multi-county account. Regional Industrial Park/Business Park applications for multi-county funds are submitted to the Cabinet for Economic Development and are subject to HB 380, Part 1, Section 13, Local Government Economic Development Fund, Item (26).

In addition, under the expanded HB 380 language "Parameters for County Flexibility" and based upon the original LGEDF single county grant process, application can be made on behalf of a regional industrial park or its authority by one of its participating county(s) from their respective county account balance.

All counties participating in a regional industrial authority and LGEDF-assisted regional industrial/business park must enter into an inter-local agreement approved by each fiscal court. After an inter-local agreement has been executed to form a regional authority, counties will name authority members, who in turn will incorporate the entity by filing articles of incorporation and authority bylaws. Economic benefits expected to be realized from a project (i.e. tax revenues) will be outlined within the inter-local agreement.

2. Eligible Grant Activities

Pursuant to HB 380, the Fiscal Year (FY) 2007-2008 biennial budget of the Commonwealth, this original definition has been expanded; grants continue to be made from this program to support nonrecurring investments in:

- public health and safety;
- economic development, including industrial development;
- public infrastructure;
- information technology development and access; and
- public water and wastewater development.

3. Ineligible Grant Activities

LGEDF grants may not be used:

- for any recurring investments/expenses or working capital;
- for industrial development projects that redistribute jobs within Kentucky;

- for projects that present unfair competition for established Kentucky firms;
- to underwrite general governmental activities, including the refinancing of existing debt incurred for government activities;
- to finance LGEDF project administration or economic development marketing efforts, except as authorized under KRS 42.4588 for the Regional Industrial Park Program; nor
- for any activity or use that does not comply with the “public use” of state funds.

4. **Funding Availability**

Grants may be awarded to a coal-producing county or two or more coal-producing counties based upon the applicant having a project eligible for funding and having funds available to finance the project. Funding of a project will not be approved until unobligated funds in the appropriate LGEDF account are sufficient to pay for the project. These funding parameters are set forth in KRS 42.4582.

5. **Award of Coal Severance Grant Projects**

The commissioner of GOLD is responsible for final approval of all LGEDF grants following the review and preliminary recommendation for approval/award by the Intergovernmental Coordination Group (ICG). In order for a project to be funded, a determination must be made regarding project eligibility, funding availability, project need, reasonability of costs and overall project effectiveness.

Factors to be considered in evaluating grant applications include but are not limited to:

- addressing a need that is significant to the community;
- substantiating that coal severance funding is necessary to meet the identified need(s) and that the impact of the funds is maximized; and
- substantiating that the accomplishments will be significant relative to need, amount of requested funds and local effort.

6. **Contractual Agreements**

No funds shall be made available under the LGEDP until such time as all participating parties, when applicable, have signed an agreement. GOLD or Kentucky Infrastructure Authority (KIA), the agency responsible for all water and wastewater projects, is responsible for the preparation of all contractual agreements and the disbursement of funds. In the event of a default, funds already disbursed may be required to be returned to GOLD and to the respective LGEDF account. Each project will be governed by its own agreement outlining its own specific and unique terms.

7. **Non-Assignment of Grant Funds**

Grant proceeds may only be used for eligible activities. Grantees (or their designated administering agencies) cannot assign, mortgage nor convey any portion of grant proceeds to any person or entity without the express written consent of the commissioner of GOLD.

8. **Recapture of Grant Funds**

When grant proceeds or income are earned from a single-county LGEDF project, the county or authority is required to maintain and account for all these funds in a “project proceeds account,” a separate, interest bearing account established by the county or authority. Annually, with each 4th quarterly report (June 30), LGEDF grantees having recaptured funds must complete the Project Proceeds Report Form and return the report and total receipts which remain in their project proceeds account. No expenditure may be made from these accounts without the written approval of the commissioner of GOLD.

At any time if the balance of a county's project proceeds account exceeds \$100,000, the entire balance, including interest, must be returned to GOLD within 10 days of reaching that amount. In the event there is a

sale of property and/or facility, the recaptured funds from that sale must be returned to GOLD within 30 days after closing. In cases where property and/or facilities are leased, the agreement between the "grantee" and their respective "lessee" shall reflect language assuring the lease payments are paid directly to GOLD. GOLD will redeposit all recaptured funds into the respective single county account and those funds will become available for eligible activities within the LGEDF program.

The policy above will apply to all single county projects, including those covered by an existing grant agreement. No new project application or request will be considered until a county has agreed to abide by these terms.

9. Definition of Industrial Development Projects set forth by KRS 42.4588 and former LGEDF Guidelines

Grants from the LGEDF may be used for industrial development purposes. In general, the term "industrial development projects" refers to the development of a specific site for manufacturing or service activities that meet the criteria set forth in this section. An industrial development project includes the acquisition of any real estate and the construction, acquisition and installation of improvements and facilities necessary and useful for the improvement of the real estate for conveyance or lease to industrial firms and approved non-industrial firms. In some cases LGEDF funding may be used as a result of an industrial development project, for workforce training activities.

10. Wage and Benefit Requirements

Companies benefiting from LGEDF grants must comply with minimum wage and benefit levels required for participation in the Cabinet for Economic Development administered tax credit programs. These minimum levels are specific to each county and are subject to annual revision by the cabinet. Benefiting companies will be required to submit annual compliance reports in the form of an affidavit certifying that the required levels have been maintained. See the Minimum Required Hourly Wages and Benefits by County Addendum or contact the Economic Development Cabinet for minimum levels for a particular county.

IV. APPLYING FOR GRANTS- All LGEDF applications will be processed as follows:

- A. Step 1-Letter of Intent*-**A one page letter of intent signed by the county judge/executive must be submitted to GOLD. The letter should include the project name, location, amount of funds requested, the intended use of funds, project summary and if the funds will be assigned to a third party (ie: city, special district, industrial authority, etc.). Once submitted, GOLD staff will review to ensure that the project meets the necessary eligibility. A letter will be sent to the judge/executive inviting the fiscal court to submit a full application.

*Water and Wastewater LGEDF Grant Applications-For all Water and Wastewater LGEDF Grant Applications, the process to initiate the application is as follows: The applicant shall apply for a SX or WX number through their local Area Development District via the WRIS system and Area Water Management Council as well as complete Exhibit 1-Designation of Project Administrator and Exhibit 2-Designation of Project Number. The applicant shall then submit the above letter of intent with all of the components listed above as well as the SX or WX number and Designation Form.

- B. Step 2-Full Application-**Upon determination of the viability to develop a proposed project, the applicant will be asked to submit a full grant application to GOLD. A resolution passed by the fiscal court will need to accompany the full application. Please note: Fiscal courts are encouraged to submit a county strategic plan or vision statement with the initial batch of full applications to GOLD. This plan will be kept in the county file as a reference. In addition, any letters of legislative support for a particular project will remain on file with that project's full application.

All applicants must complete Section A (pages 21-24). Additional sections must be completed based on the type of project.

- | | |
|---|--|
| 1. Economic Development Projects: | Complete Sections A and Section B, Part I* |
| 2. Public Water and Wastewater Projects: | Complete Sections A and C |
| 3. Public Infrastructure Projects: | Complete Sections A and D |
| 4. Public Health and Safety Projects: | Complete Sections A and D |
| 5. Information Technology Development Projects: | Complete Sections A and D |
- * If these projects include a beneficiary, the beneficiary must complete Section B, Part II

C. Step 3-Application Review-Once applications have been determined by GOLD to have been accurately completed and all documentation submitted, GOLD staff will package the grant application and present to the commissioner of GOLD and to the Intergovernmental Coordination Group for review and recommendation. Recommended projects will be resubmitted to the commissioner for final approval of the award.

D. Step 4-Memorandum of Agreement (MOA)*-When GOLD announces the award of an LGEDF grant, the grant applicant/recipient will receive a non-binding letter of intent describing the general nature and requirements of the award. A grant agreement/MOA will outline the specific terms of the award to include procedures for obtaining the funds. The grant agreement/MOA will be forwarded for signatures to the grant recipient or development authority, GOLD representatives and beneficiary firms, if applicable.

*All Water and Wastewater projects approved by the commissioner of GOLD will be referred to the Kentucky Infrastructure Authority for full administration of the grant. This will be the final step of this process completed by recipients of LGEDF Water and Wastewater funding with GOLD. Upon referral, KIA will enter into a contractual arrangement, Grant Assistance Agreement, with the recipient as well as complete all monitoring and project close-out. This process is outlined on pages 14-15.

E. Step 5-Execution of Agreement-No funds shall be made available for a particular project until such time as all participating parties have signed an agreement. GOLD is responsible for the preparation of all contractual agreements and the disbursement of funds. Pursuant to KRS 42.4588(7), GOLD commissioner will neither execute a memorandum of agreement awarding a grant nor submit same to the Finance and Administration Cabinet and the Government Contract Review Committee for final approval unless and until there exist sufficient funds in the appropriate county account to fully cover the entire cost of the applied-for project.

F. Step 6-Disbursement of Funds-To receive funds, the county will complete a Request for Disbursement form accompanied by quotes, cost estimates, receipts and/or invoices which are relevant to the request. Requests for Disbursements may be submitted as needed or as costs are encumbered. After the request form is received and approved by GOLD, a check will be forwarded to the recipient/grantee as payment in the amount of the request. The Project Manager/Administrator and GOLD must approve all disbursement requests.

G. Step 7-Quarterly Report Submission-Upon execution of the grant agreement/MOA the recipient/grantee shall be required to provide quarterly progress reports. The recipient/grantee is required to submit a separate report for each individual project. Failure to submit or fully complete the required report will place the recipient/grantee in noncompliance status at which time GOLD staff will provide notification requesting the recipient/grantee to complete necessary corrections and/or submissions within a reasonable timeframe. Quarterly reports shall be due no later than the 30th day following the end of a quarter. The following schedule applies throughout the period of the project:

First Quarter: July-September is due no later than October 30th

Second Quarter: October –December is due no later than January 30th

Third Quarter: January –March is due no later than April 30th

Fourth Quarter: April-June is due no later than July 30th

- H. **Step 8-Project Monitoring**-GOLD staff will provide monitoring of activities based upon the scope of work, the grant agreement/MOAs, project accounting, cost estimates, line-item budgets, change orders, eligible expenditures, all legal documentation, progress reports and compliance with all reporting requirements and disbursement requests. GOLD will complete site monitoring visits on all projects during the course of the project. Prior to project close-out, GOLD may conduct a site visit to assure project completion, appropriate expenditure of funds and legal compliance. GOLD reserves the right to make additional site visits on any and all projects if deemed necessary. Monitoring questions, issues or program discrepancies identified by field staff during a monitoring or a completion inspection may be directed to GOLD for additional review, determination and action. The terms of the executed grant agreement for a particular project may set forth other obligations for that particular project.
- I. **Step 9-Project Close-out**-The recipients/grantees shall be required to submit a completion report to GOLD. This report indicates completion of the project and desire to close the project out. The completion report should be submitted when the complete scope of work has been accomplished. Once the report is received by GOLD, GOLD will start close out procedures.

V. Additional Components

A. Audit Requirements

All grants from the LGEDF are subject to an independent annual audit conducted in accordance with generally accepted auditing standards, Government Auditing Standards, issued by the Comptroller General of the United States, the provisions of Office of Management and Budget Circular A-133, "Audits of State and Local Governments," if applicable, and the Audit Guide for Fiscal Court Audits issued by the Kentucky Auditor of Public Accounts. The audit report shall include a certification that the funds were expended for the purpose intended. A copy of the audit and certification of compliance shall be forwarded to GOLD no later than 12 months after the end of each fiscal year in which LGEDF funds were received by a county.

B. Procurement

All procurement should follow KRS 45A or KRS 424.260, as well as local procurement guidelines.

C. Electronic Funds Transfer

Electronic Funds Transfer (EFT) is an option for grantees who wish not to receive a check by mail. GOLD staff will assist with interested parties regarding EFT arrangements.

Blank applications can be obtained from, and completed grant applications should be returned to:

Governor's Office for Local Development
LGEDF Application
1024 Capital Center Drive, Suite 340
Frankfort, Kentucky 40601
800-346-5606
502-573-0175 (fax)
Online applications can be obtained at www.gold.ky.gov

GUIDELINES RELATING TO LINE-ITEM ALLOCATIONS

I. Line-item Projects Defined

Line-items are projects whose funding is authorized specifically through budget language. A specific award recipient and funding amount is provided in the budget for each project. All line-item awards will be made in compliance with the budget language. The following is an overview of the line-item categories GOLD will administer through the 2006-2008 biennium.

- A. **Reauthorized HB 269 and 267 Line-Item**-Line-items listed in HB 269 (2003) and HB 267 (2005) for individual coal producing counties reauthorized by HB 380 Part II Capital Projects Budget, Item 2. shall be administered by GOLD.
- B. **HB 380 Community Development Projects**-Line-Items listed in Part II. Capital Budget-P. Community Development Projects shall be administered by GOLD. All Community Development Projects that are related to water and wastewater shall be administered by the Kentucky Infrastructure Authority (KIA).
- C. **HB 380 General Government Line-Items**-Line-Items listed in HB 380 General Government II. GOLD, Items 1-14 shall be administered by GOLD.
- D. **HB 380 Coal and Non-Coal Producing Infrastructure Line-Items for Non-Infrastructure Projects**-Line-Items listed under HB 380 Coal Producing and Non-Coal Producing Infrastructure Projects, that are not related to water or wastewater, shall be administered by GOLD.

II. Award of Authorized Line-item Projects-The above mentioned line-items will be processed as follows:

- A. **Step 1-Line-Item Project Scope and Budget Sheet**-The recipient of the line-item must submit the following documentation to GOLD:
 - 1. detailed scope of work;
 - 2. a budget detailing the use of funds (use of funds must remain in accordance with the specific language set forth in the budget language); and
 - 3. resolution signed by the recipient.
- B. **Step 2-Memorandum of Agreement (MOA)**-When GOLD recognizes the authorization of a line-item award, the county will receive a non-binding letter of intent describing the general nature and requirements of the award. A Memorandum of Agreement (MOA) will outline the specific terms of the award to include procedures for obtaining the funds. Among these terms is a requirement that any covenants, mortgages and/or security instruments be recorded in the applicable county clerk's office. The MOA will be forwarded for signatures to the line-item recipient, GOLD representatives and beneficiary firms, if applicable.
- C. **Step 3-Execution of Agreement**-No funds shall be made available for a particular project until such time as all participating parties have signed an agreement. GOLD is responsible for the preparation of all contractual agreements and the disbursement of funds. Failure to comply with line-item agreements may result in the withholding of funds and additional actions to enforce the terms and conditions of the agreement. In addition, funds already disbursed may be required to be returned to GOLD and to either the General Fund or the respective LGEDF account (depending on the type of line-item). Each project will be governed by its own agreement outlining its own specific and unique terms.
- D. **Step 4-Disbursement of Funds**-To receive funds, the recipient will complete a Request for Disbursement form accompanied by quotes, cost estimates, receipts and/or invoices which are relevant to the request. Requests for Disbursements may be submitted as needed. After the request form is received and approved by GOLD, a payment will be executed. The Project Manager/Administrator and GOLD staff must approve all disbursement requests.

- E. **Step 5-Quarterly Report Submission**-Upon execution of the MOA the recipient of existing line-item projects extended, current or reauthorized, shall be required to provide quarterly progress reports. The recipient is required to submit a separate report for each individual project. Failure to submit or fully complete the required report will place the recipient in noncompliance status at which time GOLD staff will provide notification requesting the recipient/grantee to complete necessary corrections and/or submissions within a reasonable timeframe. Quarterly reports shall be due no later than the 30th day following the end of a quarter. The following schedule applies throughout the period of the project:
 - First Quarter: July-September is due no later than October 30th
 - Second Quarter: October –December is due no later than January 30th
 - Third Quarter: January –March is due no later than April 30th
 - Fourth Quarter: April-June is due no later than July 30th
- F. **Step 6-Project Monitoring**-GOLD staff will provide monitoring of activities based upon to the scope of work, the grant agreement/MOAs, project accounting, cost estimates, line-item budgets, change orders, eligible expenditures, all legal documentation, progress reports and compliance with all reporting requirements and disbursement requests. GOLD will complete site monitoring visits on all projects during the course of the project. Prior to project close-out, GOLD may conduct a site visit to assure project completion, appropriate expenditure of funds and legal compliance. GOLD reserves the right to make additional site visits on any and all projects if deemed necessary. Monitoring questions, issues or program discrepancies identified by field staff during a monitoring or a completion inspection may be directed to the LGEDP program director for additional review, determination and action. The terms of the executed grant agreement for a particular project may set forth other obligations for that particular project.
- G. **Step 7-Project Close-out**-The recipients/grantees of any line-item project shall be required to submit a completion report to GOLD. This report indicates completion of the project and desire to close the project out. The completion report should be submitted when the complete scope of work has been accomplished. Once the report is received by GOLD, GOLD will start close out procedures.

III. Additional Components

A. Audit Requirements

All line-item recipients are subject to an independent annual audit conducted in accordance with generally accepted auditing standards, Government Auditing Standards, issued by the Comptroller General of the United States, the provisions of Office of Management and Budget Circular A-133, "Audits of State and Local Governments," if applicable, and the Audit Guide for Fiscal Court Audits issued by the Kentucky Auditor of Public Accounts. The audit report shall include a certification that the funds were expended for the purpose intended. A copy of the audit and certification of compliance shall be forwarded to GOLD no later than 12 months after the end of each fiscal year in which LGEDP funds were received by a recipient.

B. Procurement

All procurement should follow KRS 45A or KRS 424.260, as well as local procurement guidelines.

C. Electronic Funds Transfer

Electronic Funds Transfer (EFT) is an option for grantees who wish not to receive a check by mail. GOLD staff will assist interested parties regarding EFT arrangements.

Blank applications can be obtained from, and completed grant applications should be returned to:

Governor's Office for Local Development
GOLD Line-Item Program
1024 Capital Center Drive, Suite 340
Frankfort, Kentucky 40601
800-346-5606
502-573-0175 (fax)
Online applications can be obtained at www.gold.ky.gov

Kentucky Infrastructure Authority (KIA) Guidelines Relating to Coal and Non-Coal Producing Water and Wastewater Line-Items and Community Development Projects

I. Line-item Projects Defined

Line-items are projects whose funding is authorized specifically through budget language. A specific award recipient and funding amount is provided in the budget for each project. All line-item awards will be made in compliance with the budget language. The following is an overview of the line-item categories that KIA will administer through the 2006-2008 biennium.

- A. **Infrastructure for Economic Development Fund for Coal Producing Counties**-KIA will administer the line-item grant funds appropriated for water and wastewater related projects for the Infrastructure for Economic Development Fund for Coal Producing Counties as set forth in Part II, Capital Projects Budget, of HB 380.
- B. **Infrastructure for Economic Development Fund for Non-Coal Producing Counties**-KIA will administer the line-item grant funds appropriated for water and wastewater related projects for the Infrastructure for Economic Development Fund for Non-Coal Producing Counties as set forth in Part II, Capital Projects Budget, of HB 380.
- C. **Community Development Projects**-GOLD will forward to KIA all water and wastewater projects for full administration of the grant. KIA will enter into a Grant Assistance Agreement with the recipient as well as complete all monitoring and project close-out. All non-water and non-wastewater projects will be administered by GOLD.
- D. **LGEDF Water and Wastewater Grants**-All water and wastewater grants approved by the commissioner of GOLD will be referred to KIA for full administration of the grant. KIA will enter into a Grant Assistance Agreement with the recipient as well as complete all monitoring and project close-out. All non-water and non-wastewater projects will be administered by GOLD.

II. Award of Authorized Line-item Projects

- A. **Step 1-Complete the Designation of Project Administrator Form (KIA-Exhibit 1)**-This documentation designates your project's project administrator who will work with the KIA and assume responsibility for completion of all of the grant documentation and requirements. The project administrator will be responsible for coordinating proper procurement of all necessary contracts and for completing all requirements of the grant. The fiscal court will be copied on all essential correspondence and consulted on all decisions regarding your line-item through communication with the county judge/executive.
- B. **Step 2-Assignment of WX or SX number (KIA-Exhibit 2)**-Having this project identifying number will assure that you have coordinated with your Area Water Management Council and that your project conforms to the project description in the state budget or grant application. If your line-item or grant award is not yet linked to a project profile with a WX or SX number, it is critical that you contact your Area Water Management Council to have your project approved by the council. This approval will generate a project number and project profile in the WRIS system. If you plan on using your line-item or grant funds for more than one project, each project will need its own WX or SX number.

- C. **Step 3-Grant Assistance Agreement (GAA)**-When KIA has received Exhibit 1 and 2 (listed above) a Grant Assistance Agreement will be submitted to the grantee for execution. The following documentation must be returned with the signed GAA. The recipient shall, before any funds are released, sign and submit the Grant Assistance Agreement and include the following exhibits which are incorporated herein and made a part hereof:

1. **Before the project is bid:**

- i. Exhibit 1-Project Profile and Estimated Project Budget
- ii. Exhibit 2-Grantee Resolution, accepting the grant award, amending its budget to allow for receipt and expenditures of these funds, and authorizing a designated individual to execute the Agreement and all other documentation related to the Project
- iii. Exhibit 3-Opinion of Legal Counsel regarding Agreement execution
- iv. Exhibit 4-Statement of Agreement to adopt and use the Kentucky Uniform System of Accounting (KUSoA) and assure that rates and charges for water/sewer services are based upon the cost of providing such service.
- v. A schedule of current rates and charges. If there will be a change in the current rate structure as a result of this project, provide the proposed schedule of rates and charges.
- vi. State Applicator Identifier (SAO) # assigned to project prior to Clearinghouse Endorsement
- vii. Exhibit 6-Application for Electronic Transfer of Funds Form
- viii. Assignment and Assumption Agreement or Interlocal Agreement (including related Resolutions) if applicable
- ix. Exhibit 11-Certification of Funding

2. **After the project is bid:**

- i. Exhibit 1-Revised Project Budget based on project bids
- ii. Exhibit 5-Opinion of Legal Counsel regarding Agreement Obligations
- iii. Exhibit 7-Additional Covenants and Agreements (if applicable)
- iv. Other Funding Commitment (if applicable)
- v. Exhibit 10-Engineering Certification
- vi. Documentation of Clearinghouse Endorsement and Comments

- D. **Step 4-Execution of Agreement**-No funds shall be made available for a particular project until such time as all participating parties have signed an agreement. KIA is responsible for the preparation of all contractual agreements and the disbursement of funds. Failure to comply with line-item agreements may result in the withholding of funds and additional actions to enforce the terms and conditions of the agreement. In addition, funds already disbursed may be required to be returned to KIA and to the either the General Fund, project pool account or the respective LGEDF account (depending on the type of line-item). Each project will be governed by its own agreement outlining its own specific and unique terms.

- E. **Step 5-Disbursement of Funds**-To receive funds, the county will complete a Request for Payment form accompanied receipts and/or invoices which are relevant to the request. Request for Payment may be submitted as needed and as costs are encumbered. The line-item funding programs are not reimbursement programs, however; all release of funds must be based upon proof of the encumbrance of funds and have supportive documentation to justify the request. After the request form is received and approved by KIA, funds will be electronically forwarded to the recipient/grantee as payment in the amount of the request.

- F. **Step 6-Project Close-out**-The recipient of any line-item project, extended, current or reauthorized, shall be required to submit the following:

1. Final Design Plans in an AutoCAD Drawing File Format (DWG), referenced to the appropriate (North or South) Kentucky State Plane Coordinate System (NAD83-Survey Feet) on a Compact Disc (CD) to be submitted within three months of initiation of construction.

2. If there is a significant deviation from the Final Design Plan during construction, As-built Plans shall also be provided to the Authority, within three months of construction completion.
3. Exhibit 9 - Fully executed Certificate of Completion-Upon disbursement of ALL line-item grants funds, closeout items will be reviewed and a copy of the fully executed Certificate of Complete will be forwarded to the Grantee.

Blank applications can be obtained from, and completed grant applications should be returned to:

Kentucky Infrastructure Authority
1024 Capital Center Drive, Suite 340
Frankfort, Kentucky 40601
502-573-0157 (fax)

Exhibits can be obtained at www.gold.ky.gov or www.kia.ky.gov.

Summary of Legal Issues

Governor's Office for Local Development

Periodically, the Governor's Office for Local Development (GOLD) may provide letters outlining various legal issues that counties or industrial development authorities may find useful in the grant application process and as projects progress. Below are summaries of issues that have presented themselves in the past. For additional detail, please contact Garland Andy Barr, general counsel, or Rich Ornstein, staff attorney, at 800-346-5606 or by email at garlandh.barr@ky.gov or rich.ornstein@ky.gov.

Open Meetings Law

The Kentucky Open Meetings Act can be found in KRS 61.805 to 61.850, and requires all public agencies to give public notice of their meetings. The Attorney General's office has brochures that explain the law in detail, but there are particular requirements under the law that public agencies, including authorities, should understand.

Generally, the place for all meetings must be one that is convenient to the public and meetings must be held at specified times. A public agency should provide for a schedule of regular meetings by ordinance, order, resolution, bylaws or by some other means. The schedule must be made available to the public.

Minutes of actions taken at every meeting must be kept by public agencies, and must set forth an accurate record of votes and actions taken. These minutes must be open for inspection by the public no later than the conclusion of the agency's next public meeting.

To the extent possible, meeting room conditions should allow for effective public observation of the meetings. No person attending the meeting can be required to identify himself in order to attend the meeting. The agency cannot place conditions on attendance of the public at a meeting other than the conditions required to maintain order. Since the General Assembly has not established procedural rules for the conduct of meetings and citizen participation, each agency must adopt its own rules and procedures. Additionally, public agencies must permit news media coverage, including recording and broadcasting.

All meetings that are not regularly scheduled are considered "special meetings," and are subject to certain additional requirements. The presiding officer or a majority of the members of a public agency may call a special meeting. The agency must provide written notice of the special meeting, including the date, time, and place of the special meeting and the agenda.

As soon as possible, written notice must be personally delivered, transmitted by facsimile, or mailed to every member of the agency and each media organization which files a written request to receive notice of special meetings. The statute does not allow for special meeting notice by electronic mail (email). Notice should be received at least twenty-four hours in advance of the special meeting. Written notice must also be posted in a conspicuous place in the building where the special meeting will take place, and in a conspicuous place in the building where the agency has its headquarters. The posting must also be done as soon as possible and posted at least twenty-four hours before the special meeting.

If an emergency prevents the public agency from complying with these requirements for a special meeting, the agency must make a reasonable effort to notify the members of the agency, media organizations which have filed a written request to be notified, and the public of the "emergency meeting." At the beginning of the emergency meeting, the person chairing the meeting must describe for the record the emergency that prevented compliance with the notice provisions, and these comments should appear in the minutes. Discussions and actions at the emergency meeting must be limited to the emergency for which the meeting was called.

The open meetings act allows a public agency to discuss certain subjects in a closed or executive meeting if notice is given in the regular meeting of the general nature of the business to be discussed, and the agency cites the specific exemption authorizing the closed session. A closed session may be held only after a motion is made and carried in open session, and no final action may be taken in closed session.

The exemptions to the open meetings act include:

- Deliberations of the Kentucky Parole Board;
- Deliberations on the future acquisition or sale of real property by a public agency when publicity would likely affect the value of the property;
- Discussions of proposed or pending litigation involving a public agency;
- Grand or petit jury sessions;
- Collective bargaining negotiations between public employers and their employees;
- Discussions or hearings that might lead to the appointment, dismissal, or disciplining of an individual employee, member or student. However, general personnel matters may not be discussed in private;
- Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the location, retention, expansion or upgrading of the business;
- State and local cabinet meetings and executive cabinet meetings;
- Committees of the General Assembly other than standing committees;
- Deliberations of judicial or quasi-judicial bodies involving individual adjudications or appointments. This does not include meetings of planning commissions, zoning commissions or boards of adjustments; and
- Meetings which federal or state law or the Constitution require to be conducted privately.

The Open Meetings Act prohibits any series of less than quorum meetings, where the members attending one or more of the meetings collectively constitute at least a quorum of the members of the agency, if the meetings are held to avoid the requirements of the act. This prohibition does not preclude discussions between individual members if the purpose of the discussion is to educate the members on specific issues.

Proxy Voting

Proxy voting by directors of an authority is not allowed under Kentucky statutes. Directors may vote by video-telephone, where the public can both see and hear the participant, but cannot vote by telephone only. However, directors cannot act in lieu of a meeting by unanimous written consent, as this would violate the requirements of the Open Meetings Act.

Tax Status of Development Authority

Industrial Development Authorities created under KRS 154.50-301 to 154.50-346 can receive an exemption from state sales and use tax by the Kentucky Revenue Cabinet. At least two of the regional industrial authorities have done so. An authority must submit an "Application for Purchase Exemption – Sales and Use Tax" (Form 51A125) to the Revenue Cabinet, Division of Tax Administration, Sales and Use Tax Section, 200 Fair Oaks Lane, Frankfort, Kentucky, 40620, to receive such an exemption.

As for federal tax status, an opinion rendered by Wyatt, Tarrant & Combs dated May 25, 2000 states that income accruing to authorities should be excludable from federal income taxation under Section 115 of the Internal Revenue Code, which excludes from gross income any "income derived from any public utility or the exercise of any essential governmental function and accruing to State or any political subdivision thereof."

Additionally, some regional industrial authorities have sought, and at least in one case received, tax exempt status under Internal Revenue Code Section 501(c)(6), which applies to non-profit business leagues, etc., or Section 501(c)(4), which applies to organizations promoting social welfare. It is the opinion of the attorney from Wyatt, Tarrant & Combs that an authority could obtain a federal income tax exemption under either of these sections, but that to do so would confer no special benefit, nor automatically make any contributions tax deductible.

GOLD's position is that an authority should consult with their local counsel to see if there is any tax advantage for that specific authority in filing for Section 501 status. There is a \$500.00 filing fee for an exemption.

Model Procurement Code

KRS Chapter 45A provides for a Model Procurement Code for procurement of state purchases. The statute provides that local “purchasing agents” MAY follow the Model Procurement Code.

For a county industrial development authority, GOLD recommends that the authority follow whatever procurement policy the county has adopted, whether that is the Model Procurement Code, the procurement process under KRS Chapter 45, or some other established method created locally.

For a regional industrial development authority, GOLD strongly suggests that the authority follow KRS Chapter 45A, or at a minimum KRS Chapter 45.

Wage Law

Given the intricacies of the Prevailing Wage Law, and its applicability to an industrial authority project, GOLD encourages an authority to discuss with their local counsel and/or the Kentucky Labor Cabinet the relevance of the Prevailing Wage Law to any project with which the authority is involved.

Financial Reporting/Accounting

All grants are made to the impacted counties and may be administered through contracts administered by an agent of the county government or by a political subdivision of county government (for example, an industrial development authority.)

In the event that the fiscal court is going to administer the program the county (the fiscal court via the county treasurer) will receipt the fund as Fund #31 and revenue account #4508. Disbursements of funds shall be coded as 31-XXXX-XXX.

If the county is to have its agent (such as an industrial authority) administer the program it is not necessary to create a separate fund but may pass the money through an existing fund. For example, 01-4508 (General Fund/LGED receipts) and 01-5075348 (General Fund/economic development/program support). This would represent a pass-through program where an entity such as a county industrial development authority is managing the program on behalf of the county. The funds must be traceable to the final level of expenditure.

If LGEDF receipts are not included as anticipated revenue per the adopted budget the Governor’s Office for Local Development will withhold disbursements of LGEDF to the county until such time as the county has amended its budget to reflect the anticipated receipt and expenditure of this money.

Local Government Economic Development Fund (LGEDF) Grant Full Application
Single County Coal Severance
Governor's Office for Local Development

Instruction Sheet / Checklist

In addition to the completed application, all documents listed below must be provided. If this information is not provided, please explain why in the margin next to the particular item.

1. ☐ Three Completed Applications (with attachments). Please provide one original and two copies of the application.

The applications should be submitted to:
Governor's Office for Local Development
ATTN: LGEDF Application
1024 Capital Center Drive, Suite 340
Frankfort, Kentucky 40601
(502) 573-2382

2. ☐ Resolution authorizing project submission
Resolution must be properly adopted by the fiscal court and/or regional industrial authority.
3. ☐ Map(s) of project area(s)
4. ☐ Detailed cost estimate/budget
5. ☐ Details on the source and status of other funds (provide commitment letters)

All Applicants must complete Section A (pages 21-24). Additional Sections must be completed based on the type of project. See below.

Economic Development Projects: *	Complete Sections A and Section B, Part I
* If these projects include a beneficiary, the beneficiary must complete Section B, Part II	
Public Water and Wastewater Projects:	Complete Sections A and C
Public Infrastructure Projects:	Complete Sections A and D
Public Health and Safety Projects:	Complete Sections A and D
Information Technology Development Projects:	Complete Sections A and D

SECTION A (all applicants must complete)

Project Information

Project Title: _____

LGEDF Amount Requested: \$_____ Total Project Amount: \$_____

Type of Single County Coal Severance Grant (please check one):

☐

Economic Development

☐

Public Health and Safety

☐

Public Water and Wastewater Development

☐

Information Technology Development

☐

Public Infrastructure

☐

Regional Industrial Park

Project Prioritization

Please prioritize this project by selecting one of the following options:

1. _____ Public Safety-Community Support, Time-Sensitive, Funding Sensitive
2. _____ Public Need-Community Support, Less Time-Sensitive
3. _____ Public Want-Community Support, No Time-Sensitivity

Grantee Information

Legal Applicant: _____

Street Address: _____

City, State, Zip Code: _____ Office Phone: _____

Office Fax: _____ E-mail Address: _____

Official's Name/Title: _____ County _____

Sub-Recipient Information

Sub-recipient (if applicable): _____

Street Address: _____

City, State, Zip Code: _____ Office Phone: _____

Contact Person: _____

Type of Organization: _____

Legal Counsel Information

Local Agency's Legal Counsel: _____

Street Address: _____

City, State, Zip Code: _____ Office Phone: _____

Contact Person: _____ Fax: _____

Project Contact

Application Contact Person (consultant, area development district, etc.): _____

Street Address: _____

City, State, Zip Code: _____ Office Phone: _____

Office Fax: _____ Email Address: _____

Project Contact Person: _____

Detailed Project Description

Provide a detailed narrative description of project and its purpose (attach project maps, quotes, estimates etc. if applicable).

(Additional Pages May Be Added)

Estimated start and completion dates for project must be provided.

Start Date _____ Completion Date _____

Certification of Application:

To the best of my knowledge and belief, data contained in this application is true and correct, and the document has been duly authorized by the governing body of the applicant.

I hereby represent and certify that the foregoing information, to the best of my knowledge, is (a) true, complete and accurately and fairly describes the proposed project for which financial assistance is sought; and (b) does not contain any information for which an entity competing with the applicant may claim a proprietary interest. I further certify that to the best of my knowledge and based upon due inquiry, neither I, nor any of the proposed guarantors or officers, directors or principals associated with the applicant are or were at the time of this application, directors or officers of, or otherwise have a fiduciary duty toward, an entity that is or may be in competition with the applicant. As used herein, applicant shall include any person or entity that is guaranteeing any proposed loan.

The undersigned, on behalf of the applicant, acknowledges that even though the information contained in this application, or which may hereafter be communicated to the Governor’s Office for Local Development (GOLD), contains confidential and proprietary information, it may be subject to public disclosure to the extent required by law pursuant to any request made pursuant to the Kentucky Open Records Act, Chapter 61 of the Kentucky Revised Statutes. In addition, the applicant acknowledges and agrees this application will be released to the local jurisdiction(s) where the project is intended to be located. Notwithstanding the above, except as otherwise agreed to by the applicant in writing, no confidential or proprietary information shall be disclosed if properly excluded from disclosure under KRS 61.878 (as determined by the Authority, the Kentucky Attorney General, or Court of Competent Jurisdiction).

Printed Name and Title

Signature of Authorized Representative

Date

SECTION B – Part I (ECONOMIC DEVELOPMENT PROJECT)**New Site Information** (complete this section if the project constitutes a new location for the participating party):

Project Site: _____ acres Building Size: _____ square feet

Check one: ☐ New Construction☐ Acquisition of an existing building

Age: _____

Appraised Value: _____

How long has building been unoccupied? _____

Expansion Project Information (complete this section only if the project involves the expansion of an existing Kentucky facility):

Expansion of existing facility? (circle one) yes no

Size of expansion: _____

Additions or renovations to existing building? (circle one) yes no

Explain: _____

Present Acreage: _____ acres New Acreage: _____ acres

Present Building Size: _____ sq. ft. New Building Size: _____ sq. ft.

Loan/Lease Information (for all to complete):

Do you own the site? (circle one) yes no

Date of Purchase: _____

Purchase Price: \$ _____

Is there a mortgage? (circle one) yes no

Mortgage Holder: _____

Current Balance: \$ _____

Mortgage Payment: \$ _____

Length of Agreement: _____

If you lease, who is property owner?

Property Owner _____

Lease Payment: \$ _____

Length of Agreement: _____

Site Acquisition (for all to complete):

Is this project requesting assistance for site acquisition? (circle one) yes no

If yes, please provide information below. If no, continue to next section.

Total Acreage _____ Purchase Price \$ _____

Current
Ownership _____

Proposed
Ownership _____

Is there an option or contract? (circle one) yes no

If yes, check one below and attach any documentation.

☐

option

☐

contract

Assignment of Funds: (for all to complete)

Will grantee assign the proceeds to a local agency? (circle one) yes no

Agency: _____

Street Address: _____

City, State, Zip Code: _____ Phone: _____

Contact Person: _____

Individual Executing Documents:

Legal Name of Individual Executing Documents: _____

Title of Individual Executing Documents: _____

Local agency is organized as (check one):

☐

Public Properties Corporation under KRS 58.180

☐

Industrial Development Corporation under KRS 154.50-316

☐

Non-profit corporation under KRS chapter 273

☐

Other _____

Does this project qualify for any tax credits? (circle one) yes no

If yes, please provide information below. If no, continue to next section.

	KREDA	KJDA	KIDA	Other
Value	_____	_____	_____	_____
Years to be Received	_____	_____	_____	_____
Approval Date	_____	_____	_____	_____

Financing Package Proposed (attach evidence of commitment from other funds).

Source	Amount	Project %	Type (grant / loan)	Rate	Term	Status
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
TOTAL	\$_____ (100%)					

Project Cost Summary (Detailed Budget)

Project Activity	LGEDF Grant	Other Funding 1	Other Funding 2	Total Cost
<i>Acquisition</i>				
Land Acreage_____				
Building Sq. Ft. _____				
Engineering Review				
Appraisal				
Other _____				
Other _____				
<i>On-Site Development</i>				
Site-Prep				
Water Lines				
Water Treatment				
Sewer Lines				
Sewer Treatment				
Engineering				
Other _____				
Other _____				
<i>Off-Site Development</i>				
Access Road				
Water Lines				
Water Treatment				
Sewer Lines				
Sewer Treatment				
Engineering				
Other _____				
Other _____				
Training Activities				
<i>Total</i>				

SECTION B – Part II (ECONOMIC DEVELOPMENT PROJECT INVOLVING A BENEFICIARY.)
 THE FOLLOWING SECTION MUST BE COMPLETED BY THE BENEFICIARY. Note: A Beneficiary is the company to benefit from the LGEDF grant proceeds).

General Information

Business Name: _____

Street Address: _____

City, State, Zip Code: _____ Phone: _____

Contact Person: _____ Fax: _____

Email: _____

Type of Organization (check one):

☐ Corporation ☐ Subchapter S ☐ Subchapter C ☐ 501(c)3 ☐ Partnership

☐ Proprietorship ☐ Limited Liability Partnership ☐ Limited Liability Corporation

Date Business Established: _____ Date of Incorporation: _____

State of Incorporation: _____

Optional (check all that apply):

☐ Franchise ☐ Minority ☐ Women Owned

☐ Union ☐ Vietnam Veteran

Corporate Name/Parent Company (if applicable): _____

Street Address: _____

City, State, Zip Code: _____ Phone: _____

Contact Person: _____ Fax: _____

Federal Employer ID#: _____ Kentucky Employer ID#: _____ SIC Code: _____

Type of Organization (check one):

☐ Corporation ☐ Subchapter S ☐ Subchapter C ☐ Partnership

☐ Proprietorship ☐ Limited Liability Partnership ☐ Limited Liability Corporation

Date Business Established: _____ Date of Incorporation: _____

State of Incorporation: _____

Type of Business (provide narrative description of business operation):

Utilization of LGEDF (provide narrative description of how LGEDF will be used):

Has either the beneficiary company or the parent company previously participated in other Kentucky incentive programs?
(check one) ☐ yes ☐ no

If yes, please provide further information below.

Program: _____ Amount: \$ _____

Location: _____ Approximate Date: _____

Please identify the major owners of the company. Include all owners with 5% or more interest in the company. For subsidiaries, identify owners of the parent company; for a public company, indicate if publicly traded.

1. Name: _____

Street Address: _____

City, State, Zip Code: _____ Phone: _____

2. Name: _____

Street Address: _____

City, State, Zip Code: _____ Phone: _____

3. Name: _____

Street Address: _____

City, State, Zip Code: _____ Phone: _____

Have any of the parties involved (company/business, parent company/corporate, any major owners of company) ever been convicted of any criminal offenses, been in receivership or adjudicated a bankruptcy, been denied a business related license, or had it suspended or revoked by any administrative, governmental, or regulatory agency? (circle one) yes no

Please list any violation and explain:

Legal Counsel Name: _____

Street Address: _____

City, State, Zip Code: _____ Phone: _____

Contact Person: _____ Fax: _____

Contractor: _____

Street Address: _____

City, State, Zip Code: _____ Phone: _____

Project Start Date: _____ Project Completion Date: _____

New Site Information (complete this section if the project constitutes a new location for the participating party):

Project Site: _____ acres Building Size: _____ square feet

Check one: ☐ New Construction☐ Acquisition of an existing building

Age: _____

Appraised Value: _____

How long has building been unoccupied? _____

Expansion Project Information (complete this section only if the project involves the expansion of an existing Kentucky facility):

Does the project involve additions or renovations to an existing building? (circle one) yes no

Does the project involve the relocation of an existing company/business? (circle one) yes no

Explain:

Present Acreage: _____ acres New Acreage: _____ acres

Present Building Size: _____ sq. ft. New Building Size: _____ sq. ft.

Loan/Lease Information (for all to complete):

Do you own the site? (circle one) yes no

Date of Purchase: _____ Purchase Price: \$ _____

Is there a mortgage? (circle one) yes no

Mortgage Holder: _____ Current Balance: \$ _____

Mortgage Payment: \$ _____ Length of Agreement: _____

If you lease, who is property owner?

Property Owner: _____ Lease Payment: \$ _____

Length of Agreement: _____

Lease terms after expansion (if different):

Site Acquisition (for all to complete):

Is this project requesting assistance for site acquisition? (circle one) yes no

If yes, please provide information below. If no, continue to next section.

Total Acreage _____ Purchase Price \$ _____

Current Ownership _____

Proposed Ownership _____

Is there an option or contract? (circle one) yes no

If yes, check one below and attach any documentation.

☐

option

☐

contract

Workforce/Job Training Grant (if applicable complete)

Please explain proposed use of Workforce/Job Training Grant (e.g. wage subsidy, classroom instruction):

Please provide employment projections for project. *If part time employment is being created, please also indicate full time equivalents and an explanation of the formula used to determine full time equivalents. Without this information part time jobs will not be used in the calculation of jobs.

	Full Time	Part Time	*Full Time Equivalents of Part Time Jobs
Current # of jobs at project location	_____	_____	_____
New jobs to be created	_____	_____	_____
TOTAL # of jobs projected 2 years after completion	_____	_____	_____
# of jobs retained because of project	_____	_____	_____

Explanation of formula used to determine full time equivalents of part time jobs: _____

Please state number of jobs to be created in each category below as well as accompanying information.

Job Category	# of Jobs	Average Hourly Wage	Average Annual Wage	Other Training*	Fringe Benefits**
Skilled	_____	_____	_____	_____	_____
Semi-Skilled	_____	_____	_____	_____	_____
Unskilled	_____	_____	_____	_____	_____
Managerial	_____	_____	_____	_____	_____
Technical	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____
Total Benefits					_____

*Provide estimated value of other training benefits including BSSC, Welfare to Work, and other related workforce training programs if applicable.

**Provide estimated value of fringe benefits and a description of the fringe benefit pack to be provided.

Description of Fringe Benefit Package:_____

Project Cost Summary

Project Activity	Amount				
Land Acreage_____					
Building Sq. Ft. _____					
Improvements					
Equipment					
Building Fixtures					
Other _____					
Subtotal (Fixed Assets Costs)					
Working Capital					
TOTAL					
Type of Financing	Amount	Percent of Financing	Interest Rate	Payback Period	Project Annual Debt Service
Fixed Assets:					
LGEDF					
Bank					
Other _____					
Other _____					
Equity					
Subtotal (Fixed Assets)					
Working Capital:					
Bank					
Equity					
Other _____					
Subtotal (Working Capital)					
Total Financing					

Certification of Application:

To the best of my knowledge and belief, data contained in this application is true and correct, and the document has been duly authorized by the governing body of the applicant.

I hereby represent and certify that the foregoing information, to the best of my knowledge, is (a) true, complete and accurately and fairly describes the proposed project for which financial assistance is sought; and (b) does not contain any information for which an entity competing with the applicant may claim a proprietary interest. I further certify that to the best of my knowledge and based upon due inquiry, neither I, nor any of the proposed guarantors or officers, directors or principals associated with the applicant are or were at the time of this application, directors or officers of, or otherwise have a fiduciary duty toward, an entity that is or may be in competition with the applicant. As used herein, applicant shall include any person or entity that is guaranteeing any proposed loan.

The undersigned, on behalf of the applicant, acknowledges that even though the information contained in this application, or which may hereafter be communicated to the Governor's Office for Local Development (GOLD), contains confidential and proprietary information, it may be subject to public disclosure to the extent required by law pursuant to any request made pursuant to the Kentucky Open Records Act, Chapter 61 of the Kentucky Revised Statutes. In addition, the applicant acknowledges and agrees this application will be released to the local jurisdiction(s) where the project is intended to be located. Notwithstanding the above, except as otherwise agreed to by the applicant in writing, no confidential or proprietary information shall be disclosed if properly excluded from disclosure under KRS 61.878 (as determined by the Authority, the Kentucky Attorney General, or Court of Competent Jurisdiction).

Printed Name and Title

Signature of Authorized Representative

Date

SECTION C (Public Water or Wastewater Project)

Project

Number: _____
(WX# or SX#-Required)

☐

Attach a copy of the Project Profile.

Engineering Firm

Name: _____

Street/P.O. Box: _____

City, State, Zip Code: _____

Phone: _____

Contact Person: _____

E-mail: _____

1. Explain the current situation and why the project is needed, especially noting any health impact (attach project maps).

2. Have business closings or disruptions occurred due to infrastructure inadequacy or failure?

_____ Yes _____ No If yes, describe.

3. Is the applicable infrastructure system under sanction from any enforcement agency?

_____Yes _____No _____N/A

If yes, describe (include deadlines, fines imposed and whether the project will satisfy sanction order).

4. Are easements or land acquisition needed for the project?

_____Yes _____No Number of Parcels_____

Explain status of each parcel.

5. If applicant has obtained the necessary land, indicate if by:

_____Leasehold interest _____Fee simple title _____Other (Specify)

Have plans and specifications been reviewed and approved by the Division of Water?

_____Yes _____No If no, explain status.

6. Does the Public Service Commission have jurisdiction over this project?

_____Yes _____No If yes, describe their role and estimated schedule of review.

Will the proposed project cause the displacement of any of the following?

_____Yes _____No If so, provide the number of:

Individuals/Families _____ Businesses _____ Farms _____

7. Does the proposed project include any tap on or hook up fees? If so, what do those fees include/cover?

Project Cost Summary (Project Budget)

Cost Classification		LGEDF	Other Funding	Other Funding	Local Funds	Total Project Cost
1	Administrative Expenses (Including Interim Financing)					
2	Legal Expenses					
3	Land, Appraisals, Easements, Right-of-Way					
4	Relocation Expense & Payments					
5	Planning					
6	Engineering Fees - Design					
7	Engineering Fees - Construction					
8	Engineering Fees - Inspection					
9	Construction					
10	Equipment					
11	Contingency					
12	Other					
	Total					

Attach evidence of commitment from other funds.

Answer each question as it relates to the system affected by the proposed infrastructure development.

8. Number of existing customers, if any:

Residential _____

Business _____

Industrial _____

Total _____

9. System capacity:

Type of system _____

Design _____

Current _____

Peak _____

Proposed _____

10. Are water or sewer services provided by other communities or districts to this system?

_____Yes _____No

11. Attach copy of service agreements and briefly describe terms.

12. Does this system provide services to other communities or districts?

_____Yes _____No

<u>Community/District</u>	<u># of Customers</u>	<u>Amount of Revenue Derived</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

13. Attach copy of service agreement(s) and briefly describe terms.

14. Rate structure (attach copy of current rate ordinance).

A.	Current	\$ _____
B.	Proposed	\$ _____
C.	Average usage/bill	\$ _____
D.	Date last rate increase/amount of change	_____
E.	Method of collection of service fees	_____
F.	Percentage rate of collection	_____

15. Are operation and maintenance functions assigned to another party?

_____Yes _____No If yes, provide details of the agreement.

IMPLEMENTATION SCHEDULE

16. Anticipated engineering design time required (including plan review).

Anticipated bid advertising date(s).	<hr/>
Anticipated bid opening date(s).	<hr/>
Anticipated Construction Contract Award Date(s).	<hr/>
Anticipated construction start date(s).	<hr/>
Anticipated construction completion date(s).	<hr/>

17. List any construction or bid requirements related to other funding sources, which could affect timely implementation.

**Kentucky Infrastructure Authority
Exhibit 1**

Please check one of the following:

- ☐ IEDF Coal Line-Item
- ☐ IEDF Non-Coal Line-Item
- ☐ Community Development Project Line-Item
- ☐ LGEDF Grant
- ☐ Other (Please Identify) _____

DESIGNATION OF PROJECT ADMINISTRATOR

(Please print or type)

Name: _____

Company or Organization: _____

Address: _____

P.O. Box: _____

City/State/Zip: _____

Phone (include area code): _____

Fax (include area code): _____

E-mail (please print): _____

WX/SX NUMBER: _____

If you have more than one project designated to receive funds from this grant award, please copy this page and fill out one page for each project, even if the same person will be designated project administrator for each project.

Project Administrator

Project administration is an extremely important element of any successful infrastructure project. The Project Administrator will be responsible for assisting the Grantee with procurement of all necessary services and gathering, collating, and presenting all appropriate information necessary for complete project documentation. This individual will serve as the communications link between members of the Project Team and as the principal point of contact for state agencies. This individual will be responsible for keeping all members of the local Project Team on task, setting up and maintaining project files, securing additional resources, and for trouble-shooting whenever necessary. Other duties to be performed by the Project Administrator may include: documenting Project Team meetings; conducting and maintaining records of public meetings; preparing the Environmental Assessment; organizing the effort to secure easements and rights of way; and providing necessary clerical and support services as required.

The services performed by a Project Administrator are professional in nature and must be assigned by the Project Owner/Grantee to a qualified staff person with appropriate time to dedicate to the position or to an individual who specializes in this service. Most often these responsibilities are entrusted to a qualified individual secured either through the standard procurement process pursuant to KRS 45A or through an Area Development District.

Reference: *Procedures Manual for Funding Water/Wastewater Projects 2006*

**Kentucky Infrastructure Authority
Exhibit 2**

Please check one of the following:

- ☐ IEDF Coal Line-Item
- ☐ IEDF Non-Coal Line-Item
- ☐ Community Development Project Line-Item
- ☐ LGEDF Grant
- ☐ Other (Please Identify) _____

DESIGNATION OF PROJECT NUMBER

(Please print or type)

Please check the correct box and fill in the appropriate information:

- ☐ My grant award will be used for one project. The WX or SX number is listed below.

WX/SX NUMBER: _____

- ☐ My grant award will be used for one project. The WX or SX number has not yet been identified. The project administrator will be responsible for submitting this information to KIA after coordinating with the Area Water Management Council.

- ☐ My grant award will be used for more than one project. The WX or SX numbers are listed below.

WX/SX NUMBER: _____ Grant \$ Allocated: _____

WX/SX NUMBER: _____ Grant \$ Allocated: _____

WX/SX NUMBER: _____ Grant \$ Allocated: _____

WX/SX NUMBER: _____ Grant \$ Allocated: _____

- ☐ My grant award will be used for more than one project. If any WX or SX number(s) have been identified, they are listed below. The WX or SX number(s) that have not yet been identified will be provided to KIA by the project administrator after coordinating with the Area Water Management Council.

WX/SX NUMBER: _____ Grant \$ Allocated: _____

WX/SX NUMBER: _____ Grant \$ Allocated: _____

Remaining Grant Unallocated to Project(s): _____

- ☐ Other: _____

SECTION D (Information Technology Development, Public Infrastructure and Access and Public Health and Safety)

1. Describe the geographic area covered by this project, the population of the area (number to be served if applicable) and the agencies that will benefit from funding.

2. Engineering/Architectural Firm (if applicable)

Name: _____

Street/P.O. Box: _____

City, State, Zip Code: _____

Telephone: _____

Contact Person: _____

E-mail: _____

3. Explain the current situation and why the project is needed, especially noting any health impact (attach project maps):

4. Project Cost Summary (Project Budget)

		Other	Other	
Activity Description	LGEDF	Funding	Funding	Total Cost
ACQUISITION				
Land				
Building				
Rehabilitation				
Engineering Review				
Appraisal				
Equipment*				
Planning				
Administration				
Contingencies				
Other				
Other				
Other				
TOTAL COST				

* If purchasing equipment, each piece of equipment and the associated cost should be listed separately.
Attach evidence of commitment from other funds.

5. Discuss how the project meets the needs of the applicant.

6. Discuss project readiness (i.e. status of other funding applications, architectural/engineering sources, etc.).

7. If the project includes a building, will the proposed facility be:

a) improving/expanding upon a current facility? If expanding the current facility, what is the proposed increase in the facility's square footage and its capacity?

b) newly constructed? If yes, what is the proposed square footage and capacity?

c) for acquisition/relocation of an existing facility? If yes, what is the facility's square footage and capacity?

8. If the proposed project is replacing a current facility, is the current facility rented or owned?

Rented ☐ Owned ☐

a) Who owns the current facility?

b) If the current facility is owned by the city/county or participating party, who pays for the facility's maintenance and insurance?

c) If the current facility is owned by the city/county or participating party and the proposed project is for a newly constructed facility or acquisition/relocation of an existing facility, what is the current facility's intended reuse?

d) If the current facility is rented by the city/county or participating partying, what is the amount of monthly rent?

e) Will the city/county or participating party pay rent at the proposed facility? Yes ☐ No ☐
If yes, what is the proposed monthly rent? _____

f) If applicable, will rent savings be applied to the proposed project? Please explain.

9. Please describe ownership of the proposed project components (i.e. land, facilities, etc.).

10. If property acquisition is involved, is there an option/agreement with the owner of the property to be acquired?

Yes ☐ No ☐ If yes, please attach a copy.

If no, please explain what assurance there is that the property will remain available for purchase pending LGEDF funding.

11. Will the proposed facility require relocation of occupant(s)? _____ If so, how many? _____

12. Will the applicant lease or sell the proposed building to another agency? If yes, explain leasing/purchasing details. Who will insure and maintain the facility?

13. If donated or contributed property is included in this project, please provide details.

14. Discuss project design status (i.e., preliminary, complete, approved, etc.) and list the appropriate agencies responsible for approving the design (i.e., Office of Housing, Buildings and Construction, local building inspector, etc.) If design is complete, please attach approval documentation from the appropriate agencies.

15. If the project includes a major equipment purchase, please describe the equipment, its intended use and benefit to the project, recipient and/or community.

Kentucky Cabinet For Economic Development--Division of Research

Minimum Required Hourly Wages and Benefits by County
For Receiving Incentives Under KREDA, KJDA, KIDA, and KEOZ

County	Wage	Benefit	County	Wage	Benefit	County	Wage	Benefit
Adair	\$ 7.73	\$ 8.89	Grant	\$ 7.73	\$ 8.89	McLean	\$ 7.73	\$ 8.89
Allen	\$ 7.80	\$ 8.97	Graves	\$ 9.04	\$ 10.39	Meade	\$ 7.73	\$ 8.89
Anderson	\$ 9.50	\$ 10.92	Grayson	\$ 7.73	\$ 8.89	Menifee	\$ 7.73	\$ 8.89
Ballard	\$ 10.30	\$ 11.85	Green	\$ 7.73	\$ 8.89	Mercer	\$ 10.30	\$ 11.85
Barren	\$ 8.61	\$ 9.90	Greenup	\$ 9.99	\$ 11.48	Metcalfe	\$ 7.73	\$ 8.89
Bath	\$ 7.73	\$ 8.89	Hancock	\$ 10.30	\$ 11.85	Monroe	\$ 7.73	\$ 8.89
Bell	\$ 7.73	\$ 8.89	Hardin	\$ 9.45	\$ 10.86	Montgomery	\$ 7.73	\$ 8.89
Boone	\$ 10.30	\$ 11.85	Harlan	\$ 7.73	\$ 8.89	Morgan	\$ 7.73	\$ 8.89
Bourbon	\$ 9.54	\$ 10.97	Harrison	\$ 9.44	\$ 10.86	Muhlenberg	\$ 7.77	\$ 8.93
Boyd	\$ 10.30	\$ 11.85	Hart	\$ 7.73	\$ 8.89	Nelson	\$ 9.19	\$ 10.57
Boyle	\$ 8.95	\$ 10.30	Henderson	\$ 9.88	\$ 11.37	Nicholas	\$ 7.73	\$ 8.89
Bracken	\$ 7.73	\$ 8.89	Henry	\$ 8.36	\$ 9.61	Ohio	\$ 7.73	\$ 8.89
Breathitt	\$ 7.73	\$ 8.89	Hickman	\$ 7.73	\$ 8.89	Oldham	\$ 9.60	\$ 11.04
Breckinridge	\$ 7.73	\$ 8.89	Hopkins	\$ 8.94	\$ 10.28	Owen	\$ 8.13	\$ 9.35
Bullitt	\$ 8.11	\$ 9.33	Jackson	\$ 7.73	\$ 8.89	Owsley	\$ 7.73	\$ 8.89
Butler	\$ 7.73	\$ 8.89	Jefferson	\$ 10.30	\$ 11.85	Pendleton	\$ 7.73	\$ 8.89
Caldwell	\$ 7.73	\$ 8.89	Jessamine	\$ 9.11	\$ 10.48	Perry	\$ 8.50	\$ 9.78
Calloway	\$ 7.87	\$ 9.05	Johnson	\$ 7.73	\$ 8.89	Pike	\$ 7.98	\$ 9.18
Campbell	\$ 9.70	\$ 11.15	Kenton	\$ 10.30	\$ 11.85	Powell	\$ 7.73	\$ 8.89
Carlisle	\$ 7.73	\$ 8.89	Knott	\$ 7.73	\$ 8.89	Pulaski	\$ 7.98	\$ 9.18
Carroll	\$ 10.30	\$ 11.85	Knox	\$ 7.73	\$ 8.89	Robertson	\$ 7.73	\$ 8.89
Carter	\$ 7.73	\$ 8.89	Larue	\$ 7.73	\$ 8.89	Rockcastle	\$ 7.73	\$ 8.89
Casey	\$ 7.73	\$ 8.89	Laurel	\$ 8.39	\$ 9.65	Rowan	\$ 7.73	\$ 8.89
Christian	\$ 9.07	\$ 10.44	Lawrence	\$ 8.64	\$ 9.93	Russell	\$ 7.73	\$ 8.89
Clark	\$ 9.50	\$ 10.92	Lee	\$ 7.73	\$ 8.89	Scott	\$ 10.30	\$ 11.85
Clay	\$ 7.73	\$ 8.89	Leslie	\$ 7.74	\$ 8.90	Shelby	\$ 10.30	\$ 11.84
Clinton	\$ 7.73	\$ 8.89	Letcher	\$ 7.73	\$ 8.89	Simpson	\$ 9.88	\$ 11.36
Crittenden	\$ 7.76	\$ 8.92	Lewis	\$ 7.73	\$ 8.89	Spencer	\$ 7.73	\$ 8.89
Cumberland	\$ 7.73	\$ 8.89	Lincoln	\$ 7.73	\$ 8.89	Taylor	\$ 7.73	\$ 8.89
Daviess	\$ 9.22	\$ 10.61	Livingston	\$ 7.73	\$ 8.89	Todd	\$ 8.31	\$ 9.55
Edmonson	\$ 7.73	\$ 8.89	Logan	\$ 9.67	\$ 11.12	Trigg	\$ 8.37	\$ 9.62
Elliott	\$ 7.73	\$ 8.89	Lyon	\$ 7.73	\$ 8.89	Trimble	\$ 10.15	\$ 11.67
Estill	\$ 7.73	\$ 8.89	Madison	\$ 8.56	\$ 9.85	Union	\$ 7.73	\$ 8.89
Fayette	\$ 10.30	\$ 11.85	Magoffin	\$ 7.73	\$ 8.89	Warren	\$ 9.65	\$ 11.09
Fleming	\$ 7.73	\$ 8.89	Marion	\$ 8.05	\$ 9.25	Washington	\$ 8.06	\$ 9.27
Floyd	\$ 8.32	\$ 9.57	Marshall	\$ 10.30	\$ 11.85	Wayne	\$ 7.73	\$ 8.89
Franklin	\$ 9.09	\$ 10.45	Martin	\$ 7.73	\$ 8.89	Webster	\$ 7.73	\$ 8.89
Fulton	\$ 8.05	\$ 9.26	Mason	\$ 8.71	\$ 10.02	Whitley	\$ 7.80	\$ 8.97
Gallatin	\$ 10.30	\$ 11.85	McCracken	\$ 9.70	\$ 11.16	Wolfe	\$ 7.73	\$ 8.89
Garrard	\$ 7.73	\$ 8.89	McCreary	\$ 7.73	\$ 8.89	Woodford	\$ 10.30	\$ 11.85
*Four Star Regional Industrial Park Hourly Wage = \$8.81 (\$10.13 With Benefits)					*EastPark Regional Industrial Park Hourly Wage = \$9.34 (\$10.74 With Benefits)			

* For KREDA projects only

Source—Wage & Benefit Averages: Derived from annual 2000 data provided by the Kentucky Cabinet for Workforce Development, Department for Employment Services, Division for Administrative and Financial Management, Research and Statistics Branch, ES-202 Series, *Total Wages and Average Monthly Workers Covered by Kentucky Unemployment Insurance Law-2000*.

6/27/2002

Line-Item Project Scope and Budget

Governor's Office for Local Development

Project Information

Project Title: _____

Type of Project (for example - construction, revitalization, purchase of land and equipment purchase, etc.): _____

Grantee Information

Legal Grantee (funding recipient): _____

Street Address: _____

City, State, Zip Code: _____ Office Phone: _____

Official's Name (judge, mayor, etc.): _____

Detailed Scope of Work

Please describe each project activity (for example – The Kentucky fire department will use funds to purchase new fire truck, six new air tanks and six sets of turnout gear):

Please provide a detailed list of the cost break-down of line-item amounts (use and amount).

Example:

Use	Amount
1) <u>Fire Truck</u>	<u>\$35,000</u>
2) <u>6 new air tanks (\$5,000 per tank)</u>	<u>\$30,000</u>
3) <u>6 new sets of turnout gear (\$1,000 per set)</u>	<u>\$6,000</u>

Use	Amount
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____
6) _____	_____
7) _____	_____
8) _____	_____
9) _____	_____
10) _____	_____

Signature

Please check that resolution is attached and sign to certify that all information is complete and correct.

☐ Resolution is attached.

Signature _____ Date _____

Sample Resolutions

Sample for line-items

RESOLUTION CITY/COUNTY OF _____

A RESOLUTION OF THE CITY/COUNTY OF _____, KENTUCKY AUTHORIZING THE MAYOR/COUNTY JUDGE/EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR THE PROJECTS LISTED BELOW, TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO FACILITATE THESE PROJECTS AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THESE PROJECTS.

WHEREAS, the City of _____, Kentucky (City)/ _____ County, Kentucky (County) has received the following 2006 Kentucky General Assembly House Bill 380 (budget bill) projects (projects) to be administered by the Kentucky Governor's Office for Local Development:

(list projects here)

WHEREAS, it is recognized that the projects listed above impose certain obligations and responsibilities upon the City/County.

NOW, THEREFORE, be it resolved this ____ day of _____, 200__, by the City of _____, Kentucky/ _____ County, Kentucky:

The Mayor/County Judge/Executive is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by GOLD for the furtherance of the above-referenced project(s) and to act as the authorized correspondent for said project(s).

Done this ____ day of _____, 200__. Motion by _____ and seconded by _____, members present voting (vote count) in favor.

By: _____
County Judge/Executive or Mayor

ATTEST: _____

Its: _____

Recorded in Book ____ Page ____.

Sample for LGEDF for
MOA

RESOLUTION
COUNTY OF _____

A RESOLUTION OF THE COUNTY OF _____, KENTUCKY AUTHORIZING THE COUNTY JUDGE/EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR THE PROJECTS LISTED BELOW, TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO FACILITATE THESE PROJECTS AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THESE PROJECTS.

WHEREAS, _____ County, Kentucky (County) has applied for, and been awarded, the following coal severance project(s) to be administered by the Kentucky Governor's Office for Local Development:

(list projects here)

WHEREAS, it is recognized that the coal severance monies available to the County for the purposes stated herein impose certain obligations and responsibilities upon the County.

NOW, THEREFORE, be it resolved this ____ day of _____, 200__, by _____ County:

The County Judge/Executive is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by GOLD for the furtherance of the above-referenced project(s) and to act as the authorized correspondent for said project(s).

Done this ____ day of _____, 200__. Motion by _____ and seconded by _____, members present voting (vote count) in favor.

By: _____
County Judge/Executive

ATTEST: _____

Its: _____

Recorded in Book ____ Page ____.

Sample for LGEDF
Applications

COUNTY RESOLUTION
AUTHORIZING PROJECT APPLICATION

RESOLUTION OF THE
_____ COUNTY FISCAL COURT

ADOPTION OF A RESOLUTION OF THE _____ COUNTY FISCAL COURT AUTHORIZING THE FILING OF A KENTUCKY LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND ("LGEDF") PROJECT PROPOSAL/GRANT APPLICATION FOR UP TO \$_____ IN LOCAL GOVERNMENT ECONOMIC DEVELOPMENT SINGLE COUNTY FUNDS WITH THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT (GOLD); AUTHORIZING AND DIRECTING THE _____ COUNTY JUDGE/EXECUTIVE TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO CARRY OUT THIS PROJECT; AND AUTHORIZING THE JUDGE/EXECUTIVE TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT.

WHEREAS, _____ County ("County") desires to promote and carry out economic development efforts on behalf of the residents of _____ County by supporting the _____ Project; and

WHEREAS, it is recognized that LGEDF monies available to the County for the purposes stated herein, pursuant to KRS 42.4582 to 42.495 and 2006 Kentucky General Assembly House Bill 380 (Budget Bill), impose certain obligations and responsibilities upon the County and will require among other things:

- (1) Approval of a satisfactory application transmitted to GOLD for approval; and,
- (2) Other obligations of the County in connection with receiving the LGEDF grant of monies for the purposes stated herein;

NOW, THEREFORE, be it resolved this _____ day of _____, 200__, by _____ County Fiscal Court:

That a Project Proposal/Grant Application on behalf of the County for LGEDF monies up to \$_____ for _____ Project shall be submitted to GOLD; the County shall provide such additional information and furnish such documentation as may be required, and the County Judge/Executive shall act as the authorized correspondent for this Project.

Done this _____ day of _____, 200__. Motion by _____ and seconded by _____, members present voting unanimously in favor.

By: _____
County Judge/Executive

ATTEST:

By: _____

Its: _____

Request for Disbursement Form
Local Government Projects
Governor's Office for Local Development

Project ID # _____

HB# _____

Please check one of the following:

☐

Local Government Economic Development Fund (LGEDF) Line-item

☐

LGEDF Grant

☐

Community Economic Growth Grant (CEGG)

☐

Other Line-item Projects (general fund, capital, bond)

Grantee Information

Legal Grantee: _____

Street Address: _____

City, State, Zip Code: _____

Office Phone: _____

Contact Name: _____

Date of Request: _____ Request Number: _____

Amount Requested: _____ Federal Tax Number: _____

Project Name: _____

A. Status of Funding:

1. Original Total Award Amount: _____

2. Funding Disbursements to Date: _____

3. Amount of Grant Being Requested: _____

4. New Account Balance: _____

B. Summary of Payees of Amount Requested:

1. _____ \$ _____

2. _____ \$ _____

3. _____ \$ _____

4. _____ \$ _____

5. _____ \$ _____

6. _____ \$ _____

Total Amount of Funding Request: _____

C. Certification: _____ "Recipient" hereby makes this request to GOLD ("GOLD") for a disbursement of funding made by GOLD to the Recipient. The Recipient hereby represents, warrants and certifies to GOLD that (i) this request is made in accordance with the terms and conditions of that certain grant agreement as represented in the executed memorandum of agreement and any subsequent amendments thereto (the "Memorandum of Agreement"), (ii) the Person executing this instrument on behalf of Recipient is duly authorized to execute and deliver this request, (iii) Recipient requires the amount requested to meet its current payment obligations in connection with the Project as described in the Memorandum of Agreement, (iv) each of the representations, warranties and covenants of Recipient in the Memorandum of Agreement is true and correct on the date hereof, including but not limited to compliance with KRS 154.50-336, (v) no Event of Default under the Memorandum of Agreement has occurred and is continuing, (vi) all work performed by any contractors and subcontractors has been completed in a good and workmanlike manner and in accordance with all applicable contracts, (vii) all work performed by any contractors and subcontractors has been inspected and approved by Recipient prior to the date hereof, and (viii) no contractors or subcontractors have filed liens or have threatened to file liens of any type with respect to the Project. Please note that item (viii) is applicable to grants only. Unless otherwise defined herein, all capitalized terms shall have the meanings ascribed thereto in the Memorandum of Agreement.

Recipient has attached to this request all supporting documentation (cost estimates, invoices and/or receipts, etc.) deemed necessary by GOLD, in its sole discretion, for the amount of the disbursement requested.

RECIPIENT ACKNOWLEDGES THAT THE REPRESENTATIONS AND WARRANTIES SET FORTH HEREIN AND IN THE MEMORANDUM OF AGREEMENT ARE MATERIAL INDUCEMENTS UPON WHICH GOLD WILL RELY IN MAKING THE DISBURSEMENT OF GRANT PROCEEDS REQUESTED HEREIN. RECIPIENT ACKNOWLEDGES THAT BUT FOR THE TRUTH OF THE REPRESENTATIONS AND WARRANTIES MADE HEREIN AND IN THE MEMORANDUM OF AGREEMENT, GOLD WOULD NOT MAKE THE DISBURSEMENT OF THE GRANT PROCEEDS REQUESTED HEREIN. RECIPIENT ACKNOWLEDGES AND AGREES THAT GOLD IS REASONABLY ENTITLED TO RELY UPON THE REPRESENTATIONS AND WARRANTIES SET FORTH HEREIN AND IN THE MEMORANDUM OF AGREEMENT.

IN WITNESS WHEREOF, Recipient, by its duly authorized representative, has executed this Request for Disbursement as of the date written above.

By: _____
Authorized Recipient Signature

FOR GOLD USE ONLY

Reviewed By: _____ Date: _____
Award Amount: \$ _____ Account Number: _____
Disbursements To Date: \$ _____ Approved By: _____
Amount of Request: \$ _____ Approved By: _____
Reviewer Date: _____ Executive Director Date: _____
New Account Balance: \$ _____ Approval Date: _____
GOLD Finance Officer Date: _____
Comments: _____

LGEDF Project Proceeds Report
For Stream of Payments and Lump Sum Receipts)

Project ID # _____

HB# _____

This report is required of all LGEDF recipients that receive or may receive any project proceeds.

Grantee Information

Grantee (County or Authority) _____

Address: _____

City, State and Zip Code: _____

Contact Person: _____

Address: _____

City, State and Zip Code: _____

E-mail Address: _____

Phone Number: _____ Fax Number: _____

Report for Year Ending June 30, 20__

Certification

The Grantee's County Judge/Executive or Authority Chairman certifies that:

- A.) To the best of his/her knowledge and belief, the information in this report is true and correct as of the date of the report.
- B.) All supporting documentation has been attached hereto.
- C.) No event of default has occurred or is continuing under the terms and conditions set forth in the Grant Agreement for this project.
- D.) All representations and warranties made by the Grantee in the Grant Agreement for this project are true and correct as of this date.

Typed Name of County Judge/Executive or Chairman: _____

Title: _____

Signature of County Judge/Executive or Chairman: _____

Date: _____

FOR GOLD ONLY

Reviewed By: _____ Date: _____

Project Proceeds Account

Project Name: _____

1.) If no project proceeds account has been established, complete the following certification:

The aforesigned hereby certifies on behalf of the Grantee that no qualifying project proceeds have been received by the Grantee through the end of the fiscal year set forth above which would necessitate the creation of a project proceeds account.

By: _____
County Judge/Executive or Authority Chairman

2.) If a project proceeds account has been established, complete the following report:

Date Account Opened: _____ Account Number: _____

Name of Bank (including city): _____

Name of Account: _____

Project Proceeds Account Balance as of Prior Fiscal Year End: \$ _____

Gross Income Received from any Periodic Payment Stream:
(this FY; Attach Description) \$ _____

Gross Income Received from Any Lump Sum Payments:
(this FY; Describe on Page Three) \$ _____

Interest Income Earned through Fiscal Year End: \$ _____

Less: Costs Incurred from receipt of Payment Stream:
(Attached Supporting Documentation) < _____ >

Less: Expenditures for GOLD Approved Uses:
(Attached Supporting Documentation) < _____ >

Net Project Proceeds through Fiscal Year End: \$ _____
(Sum of the above items)

Less: Funds Previously Remitted to GOLD
- this Fiscal Year
(Attached Supporting Documentation) < _____ >

Residual funds to be remitted to GOLD \$ _____
(by July 30 annually; payable to Kentucky State Treasurer)

LGEDF Project Proceeds Report (For Lump Sum Payments)

Attach a Legal Description of the Real Property Conveyed

Date of Closing: _____

Contract Sale Price:

\$ _____

Less: Closing Costs:
(Attach Settlement Statement)

< _____ >

Less: Other Costs:
(Attach Supporting Documentation)

< _____ >

Net Proceeds to Grantee:

\$ _____

Describe Any Other Lump Sum Payments

Description of Lump Sum Payment:

☐

Annual Lease Payment (of building(s) or Real Property for any purpose)

☐

Proceeds of Mortgage Loan or any type of Encumbrance

☐

Other

Describe:

Date of Receipt: _____

Amount of Lump Sum Payment:

\$ _____

Less: Costs (Attach Supporting Documentation):

< _____ >

Net Proceeds to Grantee:

\$ _____

All Single County LGEDF grantees must return total receipts and disbursements from their project proceeds account. In cases where a county reaches a cumulative balance of proceeds and interest income at any time during the year in excess of \$100,000 all funds must be returned to GOLD within 10 days of reaching that amount. In the event there is a sale of property and/or facility, the recaptured funds from that sale must be returned to GOLD within 30 days after closing. In cases where property and/or facilities are leased, the agreement between the "grantee" and their respective "lessee" shall reflect language assuring the lease payments are paid directly to GOLD. GOLD will redeposit all recaptured funds into the respective single county account and those funds will become available for eligible activities within the LGEDF program. If due, a check made payable to the Kentucky State Treasurer must be sent to GOLD,

Project ID # _____

HB# _____

Quarterly Progress Report
Local Government Projects
Governor's Office for Local Development

Project ID # _____

HB# _____

Type of Award

Please check one of the following:

☐

Local Government Economic Development Fund (LGEDF)-Line-item

☐

LGEDF Grant

☐

Community Economic Growth Grant (CEGG)

☐Other Line-item Projects
(general fund, capital, bond)**Project Information**

Project

Title: _____

Type of Project (construction, revitalization, purchase of land/equipment, etc.):

Project Allocation: \$ _____ Total Funds Expended to Date: \$ _____

Recipient/Grantee Information

Legal Grantee: _____

Street

Address: _____

City, State, Zip Code: _____ Office Phone: _____

Official's Name: _____

City/County/Other _____

Account Number _____

Was applicant a pass-thru agency to third-party recipient? (check one) ☐ yes ☐ no

If yes, please list third-party recipient: _____

Project Status

Please check the months you are reporting on as part of this progress report:

☐

July-Sep

☐

Oct-Dec

☐

Jan-March

☐

April-June

Have all funds allocated for this project been received and expended? ☐ yes ☐ no

If yes, please complete the Project Completion Report and send to the Governor's Office for Local Development

If no, please explain all activities of this project or problems with this project. Make sure to provide an estimated date for completion (REQUIRED):

Financial Information

Total number of previous draws:_____ Total amount of disbursements received to date:_____

Did you submit a request for disbursement to GOLD during this reporting period? ☐ yes ☐ no

If yes, please list all financial transactions within the quarter:

Payable	Amount	Purpose (equipment, supplies, etc.)

Is the financial back-up documentation attached for all requests for disbursements submitted to GOLD during this reporting period?

(check one) ☐ yes ☐ no

Certification of Recipient

Name and Title of Chief Executive Officer: _____

Signature:_____

Date:_____

Name and Title Third Party Recipient: _____

Signature:_____

Date:_____

FOR GOLD USE ONLY: This Quarterly Progress Report is hereby approved.

GOLD Staff Reviewer:_____ Date: _____

GOLD Authorized Approval:_____ Date: _____

Completion Report
Local Government Projects
Governor's Office for Local Development

Project ID # _____

HB# _____

Type of Award

Please check one of the following (double-click on box to check):

☐

Local Government Economic Development Fund (LGEDF) Line-item

☐

LGEDF Grant

☐

Community Economic Growth Grant (CEGG)

☐

Other Line-item projects

Project

Project Title: _____ Contract Number: _____

Type of Project (construction, revitalization, purchase of land/equipment, etc.): _____

Project Allocation: \$ _____

Total Actual Funds Received: \$ _____ Total Actual Funds Expended: \$ _____

Has final draw been made? ☐ Yes ☐ No

Recipient/Grantee

Legal Recipient/Grantee: _____

Street Address: _____

City, State, Zip Code: _____ Office Phone: _____

Official's Name: _____ County/City/Other: _____

Close-Out Narrative

Provide a narrative of how the project was completed (REQUIRED). _____

Completion Report

Date of Project Completion: _____

Were any designated funds left over? (check one) ☐ yes ☐ no

If yes, please list dollar amount: \$ _____

Explain why (REQUIRED): _____

PLEASE NOTE: Any remaining funds must be returned to the Governor's Office for Local Development by check payable to the Kentucky State Treasurer.

Checklist

Make sure to complete all relevant forms and mail to the Governor's Office for Local Development.

☐

Attachment A-Financial Report

☐

Attachment B-Real Property

☐

Other financial reports, invoices and relevant documentation

Signatures

It is hereby certified that all activities undertaken by the recipient with funds provided under the Memorandum of Agreement (MOA) have to the best of my knowledge been carried out in accordance with the MOA and Project Scope of Work, that all funds have been expended or returned to the Commonwealth of Kentucky and that every statement and amount set forth in this instrument is true and correct as of this date.

Name and Title of Chief Executive Officer: _____

Signature: _____

Date: _____

Name and Title of Third Party Recipient: _____

Signature: _____

Date: _____

FOR GOLD USE ONLY: This completion report is hereby approved. The MOA and all supporting documents required are received. All records for this project are required to be maintained for three (3) years from the date of completion.

Name and Title of GOLD Administrator: _____

Signature: _____ Date: _____

Attachment A: Financial Report
Local Government Projects Completion Report
Governor's Office for Local Development

Project ID # _____
HB# _____

Please list all financial transactions of project (group like items together). Note: All attached forms are final pending completion and receipt of this financial report.

Payable	Amount	Purpose (equipment, supplies, etc.)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature
Check below and sign to certify attachment of all final close-out documents (e.g. inspections, certification of occupancy, copies of information, permits, invoices, receipts, etc.)

☐ All copies of final close out documents are attached.

Signature: _____

Date: _____

Attachment B: Real Property Acquisition
Local Government Projects Completion Report
Governor’s Office for Local Development

Property Acquisition

Did this project involve the acquisition of real property? (check one) ☐ yes ☐ no

If yes, a copy of the deed transferring title must be attached to the back of this form if not already on file at GOLD.

Please check to certify that a copy of the deed transferring title of any real property acquisition is attached:

☐ Copy of deed is attached. ☐ Copy of property survey, meets and bounds, etc. is attached.

Project Assignment List

The project assignment list only includes line-item projects which require a change in administration from either the Kentucky Infrastructure Authority to the Governor's Office for Local Development or vice versa. This is **NOT** a complete list of HB 380 line-item projects.

County	Assignment Description	FY 2006-07	FY 2007-08	Fund Type	Line Item Recipient	Line Item Description
Butler	KIA to GOLD	\$ 538,000	\$ -	Bond	Butler County Fiscal Court	Community Training Center
Calloway	KIA to GOLD	\$ 250,000	\$ -	Bond	Calloway County Fiscal Court	Railroad Spur
Carter	KIA to GOLD	\$ 500,000	\$ -	Bond	City of Grayson	Police and Fire Administration Building - Construction
Clay	KIA to GOLD	\$ 500,000	\$ -	Bond	Clay County Health Department Board	Capital Construction
Clay	KIA to GOLD	\$ 1,500,000	\$ -	Bond	Clay County Fiscal Court	Recreation, Economic Development, Capital Construction, and Land Acquisition
Clay	KIA to GOLD	\$ 400,000	\$ -	Bond	Clay County Fiscal Court	Administration Building and DAV Memorial
Clay	KIA to GOLD	\$ 750,000	\$ -	Bond	Clay County Board of Education	Health Education Building
Clay	KIA to GOLD	\$ 725,000	\$ -	Bond	City of Manchester	Amphitheater / Park / Bridge Construction and Other Parks
Clay	KIA to GOLD	\$ 250,000	\$ -	Bond	Clay County Fiscal Court	Ambulance / EMS Center
Fulton	KIA to GOLD	\$ 360,000	\$ -	Bond	Fulton County Fiscal Court	Industrial Park Utilities and Spec. Building
Greenup	KIA to GOLD	\$ 200,000	\$ -	Bond	Russell Independent Board of Education	Russell High School Renovations
Greenup	KIA to GOLD	\$ 200,000	\$ -	Bond	Greenup County Board of Education	Greenup County High School Renovations
Greenup	KIA to GOLD	\$ 1,100,000	\$ -	Bond	Greenbo State Park	Campground Construction and Improvements
Greenup	KIA to GOLD	\$ 250,000	\$ -	Bond	Greenup County Fiscal Court	Ashland Regional Airport at Worthington - Renovation and Improvements
Greenup	KIA to GOLD	\$ 150,000	\$ -	Bond	City of Greenup	Downtown Renovations
Jackson	KIA to GOLD	\$ 220,000	\$ -	Bond	Jackson County Fiscal Court	Grey Hawk Fire and Rescue - Capital Construction
Jessamine	GOLD to KIA	\$ 210,000	\$ -	Bond	Jessamine County Water District	WX21113014 Baker Lane Water Service Upgrade
Jessamine	GOLD to KIA	\$ 80,000	\$ -	Bond	Jessamine South Elkhorn Water District	Tankersley Lane Water Lines Extension
Knox	KIA to GOLD	\$ 1,000,000	\$ -	Bond	Knox County Fiscal Court	Wellness Center
Knox	KIA to GOLD	\$ 550,000	\$ -	Bond	Cumberland Valley ADD	KCEOC - Capital Construction

Knox	KIA to GOLD	\$ 1,000,000	\$ -	Bond	Knox County Board of Education	Health Education Centers for Lynn Camp and Knox Central Capital Construction
Knox	KIA to GOLD	\$ 750,000	\$ -	Bond	Knox County Fiscal Court	West Knox Annex
Laurel	KIA to GOLD	\$ 1,250,000	\$ -	Bond	London/Laurel Industrial Authority	Land Acquisition and Infrastructure
Laurel	KIA to GOLD	\$ 2,000,000	\$ -	Bond	City of London	London City Park - Capital Construction at the College Park
Lee	KIA to GOLD	\$ 500,000	\$ -	Bond	Lee County Fiscal Court	Happytop Recreation Center - Construction
Lee	KIA to GOLD	\$ 250,000	\$ -	Bond	Lee County Fiscal Court	County Garage Building
Magoffin	KIA to GOLD	\$ 600,000	\$ -	Bond	Magoffin County Fiscal Court	Magoffin Administration Building
McCreary	KIA to GOLD	\$ 600,000	\$ -	Bond	McCreary County Fiscal Court	Multi-Purpose/Senior Citizens Complex
Menifee	KIA to GOLD	\$ 150,000	\$ -	Bond	Menifee County Fiscal Court	EMS Building
Menifee	KIA to GOLD	\$ 30,000	\$ -	Bond	Menifee County Fiscal Court	Library Board - Parking Structure
Owsley	KIA to GOLD	\$ 1,000,000	\$ -	Bond	Owsley County Library Board	Construction
Union	GOLD to KIA	\$ 2,000,000	\$ -	Bond	City of Morganfield	Sewer, Water, and Storm Drains Construction
Union	GOLD to KIA	\$ 2,000,000	\$ -	Bond	City of Stugis	Sewer, Water, and Storm Drains Construction
Union	GOLD to KIA	\$ 500,000	\$ -	Bond	City of Uniontown	Sewer, Water, and Storm Drains Construction
Union	GOLD to KIA	\$ 1,500,000	\$ -	Bond	Union County Fiscal Court	Water and Sewer Projects-Construction U.S. Highway 60
Webster	GOLD to KIA	\$ 950,000	\$ -	Bond	City of Providence	Sewer Line Expansion
Whitley	KIA to GOLD	\$10,000,000	\$ -	Bond	University of the Cumberlands	Capital Construction - Pharmacy Building (PENDING LITIGATION)
Whitley	KIA to GOLD	\$ 500,000	\$ -	Bond	Whitley County Board of Education	Oak Grove Community Center
Whitley	KIA to GOLD	\$ 400,000	\$ -	Bond	City of Williamsburg	Hal Rogers Water Park Expansion
Whitley	KIA to GOLD	\$ 250,000	\$ -	Bond	Whitley County Fiscal Court	Courthouse Renovations